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3 **UNITED STATES DISTRICT COURT**  
4 **NORTHERN DISTRICT OF CALIFORNIA**  
5 **SAN JOSE DIVISION**  
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7 KUANG-BAO PAUL OU-YOUNG,

8 Plaintiff,

9 v.

10 LAWRENCE E. STONE, Santa Clara  
11 County Assessor; JEANETTE TONINI,  
12 Senior Assessment Clerk; COUNTY OF  
13 SANTA CLARA; and EDWARD J.  
14 DAVILA, District Judge,

15 Defendants.

Case No. 19-cv-07000-BLF

**ORDER DISMISSING ACTION**

16 Plaintiff Kuang-Bao P. Ou-Young, proceeding *pro se*, filed this action against Defendants  
17 County of Santa Clara (“County”), County Assessor Lawrence E. Stone (“Stone”), Senior  
18 Assessment Clerk Jeanette Tonini (“Tonini”), and District Judge Edward J. Davila (“Judge  
19 Davila”) for violation of his rights under the Fourth Amendment to the United States Constitution.

20 Plaintiff’s claims against Judge Davila were dismissed without leave to amend by order  
21 dated December 2, 2019. *See* Order Dismissing Plaintiff’s Claims, ECF 25. The basis for the  
22 dismissal was absolute judicial immunity. *See id.*

23 Plaintiffs’ claims against Defendants County and Stone were dismissed with leave to  
24 amend by order dated January 29, 2020. *See* January 29 Order, ECF 37. The basis for the  
25 dismissal was failure to state a claim upon which relief may be granted. *See id.* The Court  
26 required that any amended complaint be filed on or before February 19, 2020. *See id.* at 8.  
27 Plaintiff, who is a registered E-Filer, received email service of the January 29 Order on January  
28 29, 2020. Plaintiff has not filed an amended complaint.

1           The January 29 Order also directed Plaintiff to show cause on or before February 12, 2020  
2       why his claims against Defendant Tonini should not be dismissed based on information that  
3       Defendant Tonini is deceased. *See* January 29 Order at 2, 8. Plaintiff has not responded.  
4       Plaintiff's claims are hereby dismissed without leave to amend as to Defendant Tonini.

5           Based on the foregoing, the action is **DISMISSED WITH PREJUDICE** as to Defendants  
6       Judge Davila, County, and Stone, and **WITHOUT PREJUDICE** as to Defendant Tonini. A  
7       separate judgment will issue in favor of Judge Davila, the County, and Stone, as the dismissal of  
8       those Defendants is on the merits.

9           IT IS SO ORDERED.

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11       Dated: February 26, 2020



BETH LABSON FREEMAN  
United States District Judge